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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY D. HAVERLAH,

Plaintiff,

vs.

DWIGHT WINSLOW,

Defendants.

No. C 06-4320 PJH

TRANSCRIPT OF RECORDED
SETTLEMENT CONFERENCE
NOVEMBER 5, 2007

Honorable Nandor J. Vadas: NJV

Calling the matter of Gregory D. Haverlah Plaintiff v. Dwight Winslow. We are currently in
Corcoran State Prison conducting a settlement conference. This is case number C 06-
4320 PJH. Parties state their appearance for the record.

Jennifer Nygaard, Deputy Attorney General: JN

NJV

And whom do you represent?

///

///

1 JN

2 Sorry. Representing Dr. Winslow, the Defendant.

3

4 Greg Haverlah E90712

5

6 NJV

7 And you are the Plaintiff in the matter, is that correct?

8

9 GH

10 Yeah, I'm the Plaintiff in this matter.

11

12 NJV

13 Ms. Nygaard would you state the settlement in this matter.

14

15 JN

16 Yes, the parties agree to enter into a settlement first item being that there will be a provider
17 evaluation of Mr. Haverlah addressing the issues concerning his back pain which will be
18 completed by November 30, 2007. Second, review of Mr. Haverlah's medication
19 administration records for three months to ensure that medications are ordered, delivered
20 and administered properly and timely. Number three, a review of each of Mr. Haverlah's
21 requests for services will be conducted for three months completing through February,
22 2008 and fourth he will be given a[n] insert for his shoes.

23

24 NJV

25 That will be a chrono for inserts in his prison-authorized sneakers, is that correct?

26 ///

27 ///

28

1 JN

2 Yes, that's correct. Defendant also agrees to explore further the issue of getting him a
3 chrono for a double mattress with no guarantees that that will be issued but we will explore
4 it, and fifth his oh his dose he will be given Tramadone.

5

6 Tramadone or Untram.

7

8 Or Untram.

9

10 Yes. Tramadone and Untram.

11

12 JN

13 Okay for pain management during to address pain management during the night time.

14

15 NJV

16 And may the record reflect that the treating physician, Dr. Assassi, is also present at the
17 settlement conference.

18

19 JN

20 Okay. I believe those were all the items. If I may, I just have a few more things I would like
21 to read into the record. Mr. Haverlah, you are agreeing today to a dismissal with prejudice
22 of this suit, and do you understand what that means?

23

24 GH

25 Go ahead and explain.

26 ///

27 ///

28

1 JN

2 With prejudice means that this case will be dismissed and you wouldn't be able to, you
3 wouldn't be re-filing another complaint on the specific issues that you brought in this
4 complaint. However, Mr. Judge Vadas has agreed to keep the case on his books for six
5 months in case the issue arose .

6

7 GH

8 Okay that is fine.

9

10 JN

11 Following the agreement okay.

12

13 GH

14 Right that sounds fair.

15

16 JN

17 Defendant, Dr. Winslow and the California Department of Corrections and Rehabilitation
18 deny any and all liability in this case. This agreement does not constitute an admission of
19 liability or any wrongdoing on behalf of any party.

20

21 GH

22 That's fine

23

24 JN

25 Each party shall bear his own attorneys fees and costs if there are any in this case, and lets
26 see here. I think that might be all for now.

27 ///

28

1 NJV

2 Mr. Haverlah, do you understand the terms and conditions of the settlement in this matter?

3

4 GH

5 Yes, sir. I do.

6

7 NJV

8 Do you agree to be bound by them?

9

10 GH

11 Yes, sir. I do.

12

13 NJV

14 Ms. Nygaard, do you have authority to enter into this settlement on behalf of your client, Dr.
15 Winslow?

16

17 JN

18 I do have the authority, yes.

19

20 NJV

21 Alright. Then the matter is deemed settled. The court will prepare a report. Ms. Nygaard
22 will prepare a settlement agreement and a dismissal for your review for signing and
23 delivering to the court. I would like to thank both parties for working hard to make this
24 happen today. And, Mr. Haverlah, as I said to you before, I think that this is an appropriate
25 disposition.

26 ///

27 GH

28

1 I think you're probably right.

2

3 NJV

4 Anything further at this time?

5

6 JN

7 I just would ask that Plaintiff expressly waive and include the risk of any and all claims for
8 damages which exist as of this date for which he does not know or expect to exist whether
9 through ignorance, oversight, error, negligence or otherwise and which is known would
10 materially affect his position to enter into this settlement agreement.

11

12 GH

13 I agree

14

15 JN

16 Okay. Nothing further.

17

18 NJV

19 Thank you very much. The matter is now concluded.

20 Dated: 12/19/07

21

22

23

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NANDOR J. VADAS
United States Magistrate Judge